

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 20,060
)	
Appeal of)	

INTRODUCTION

The petitioner appeals a decision of the Department for Children and Families, Economic Services Division denying her application for Vermont Health Access Program (VHAP) benefits. The issue is whether the income of the petitioner's father must be considered in determining her eligibility.

FINDINGS OF FACT

1. In September 2005 the petitioner submitted an application for VHAP, which the Department denied on October 24, 2005. The petitioner submitted a second application on October 21, 2005, which the Department denied on November 21, 2005.

2. The petitioner is eighteen years old and has no income. She is not currently a student. She lives with her father. The basis of both denials was the petitioner's refusal to provide any information regarding her father's income.

3. At the hearing (held on December 21, 2005) the petitioner and her father argued that the petitioner should be allowed to apply as a single person household without regard to her father's income.

ORDER

The Department's decision is affirmed.

REASONS

Section 4001.8 of the VHAP regulations includes the following:

Financial Need of a VHAP Group

An individual must be a member of a VHAP group with countable income under the applicable income test to meet this requirement.

A VHAP group includes all the following individuals if living in the same home:

. . .

b. children under age 21 of the applicant or spouse;

. . .

d. parents. . .

Under the above regulation, the petitioner cannot be determined eligible for VHAP without including her father, and his income, in her application. Regardless of the petitioner's view of the fairness and/or wisdom of this

provision, the Board is bound to affirm the Department's decision inasmuch as it is fully in accord with the regulation. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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